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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,366	01/16/2004	Shun-Tai Huang	04106-UPS	9934

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LIN & ASSOCIATES INTELLECTUAL PROPERTY  
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SARATOGA, CA 95070-0339

EXAMINER
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ILAN, RUTH

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,366	<b>Applicant(s)</b> HUANG, SHUN-TAI	
	<b>Examiner</b> Ruth Ilan	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4, 8-10 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 5-7, 11-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "221". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 8-10, and 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

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which applicant regards as the invention. Regarding claim 8, line 5 "holes" should be "wings". Additionally, regarding claims 8 and 9, it is unclear if the second pin extends through both sets of wings and pivot holes. Regarding claim 10, in line 1, "having" should be "has".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US 3,369,629) in view of Gielow et al. (US 2,612,211.) Weiss teaches a tricycle including a body (36) with a handlebar stand (52) pivotally connected to a front portion of the body to steer a front wheel (42) rotatably mounted on a front wheel bracket (44). Weiss also teaches two rear wheels (92 and 94) and two side plates (bottom plates of 194 and 196) formed on the body opposite each other for supporting a user's feet. A seat is pivotally mounted on top of the body 9at 146) and a backrest frame is pivotally mounted (see Figure 3 and Figure 4) to the top of the body. Weiss fails to teach that each of the wheels is driven by a motor, although Weiss does suggest that other drive systems are contemplated. The Examiner takes Official Notice that is well known in the small vehicle art to provide driven rear wheels with each their own individual motor. These motors are useful because they can be smaller than the large motors, and can

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be controlled so as to provide differential steering and control wheel slippage. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the drive system of Weiss to include motors for each of the rear wheels, in order to provide motors that can be smaller, and to provide differential steering control and prevent wheel slippage. Weiss additionally fails to teach that the backrest frame is detachably connected to the seat. Gielow et al. teaches a pivotally mounted seat (17) that includes a detachable connection (at 19, via 21) to the backrest frame (14, see Figure 4). This connection is useful because it provides a secure way to hold the seat cushion in place (see col. 1, lines 5-9.) It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the folding seat of Weiss to include a detachable connection between the seat and the backrest frame, as taught by Gielow et al., in order to provide a secure connection between the seat cushion and the backrest, in the use position.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US 3,369,629) in view of Gielow et al. (US 2,612,211) as applied to claim 1 above, and further in view of Berlinger, Jr. (EP 0 458 101 A1.) The combination of Weiss in view of Gielow et al. is discussed above, and fails to teach two auxiliary wheels extending from the rear side of the body. Berlinger, Jr. teaches two auxiliary wheels (92,91) which are used to prevent the vehicle from tipping over backwards (see col. 6, lines 10-15.) It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the vehicle of Weiss in view of Gielow et al. to include two auxiliary wheels, as taught by Berlinger, Jr. in order to prevent the vehicle from tipping over

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backward. Regarding the limitation that the user is able to use the two auxiliary wheels to move the tricycle, inherently, a user could do so with the wheels of Berlinger, Jr, as applied to the vehicle of Weiss in view of Gielow et al.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US 3,369,629) in view of Gielow et al. (US 2,612,211) and Berlinger, Jr. (EP 0 458 101 A1) as applied to claim 2 above, and further in view of Takeyama (JP 5-162677 A.) The combination Weiss, Gielow et al. and Berlinger, Jr. is discussed above, and does not teach the claimed handle attachment. Takeyama teaches that such an attachment is well known in the art (see Figure 5), and is apparently useful for providing an easily and securely tightenable and adjustable pivotal folding handle. It would have been obvious to one having ordinary skill in the art at the time of the invention to include the handle bar mechanism of Takeyama with the vehicle of Weiss in view of Gielow et al. and further in view of Berlinger, Jr, in order to provide an easily securable and adjustable handle.

#### ***Allowable Subject Matter***

9. Claims 5, 6, 7, 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 8-10 and 16-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

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11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Avitan teaches that two motors on a tricycle is a well known drive arrangement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673.


The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RI  
4/11/06

Ruth Ilan  
Primary Examiner  
Art Unit 3616

  
4/11/06